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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/650,335

08/28/2000

Jeffrey A. Giacomel

12643/210

8334

24349

7590

02/18/2004

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EXAMINER

FLANIGAN, ALLEN J

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 02/18/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,335

Applicant(s)

GIACOMEL, JEFFREY A.

Examiner

Allen J. Flanigan

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 3,5,8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,9,11 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

In view of the amendment after a BPAI decision affirming the Examiner in part filed on 1/22/04, PROSECUTION IS HEREBY REOPENED. The amendment filed on 1/22/04 has been entered as a matter of right pursuant to 37 C.F.R. 1.111.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 5, 8, and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder.

Snyder shows an aluminum cooking apparatus with parallel ridges that are readable on the claimed input heat transfer elements in parallel spaced planes; the solid base, or the lower surface facing heating elements 316 (Fig. 8) is readable on the "at least one output heat transfer element". It is well known in the art to provide non-stick, easily cleaned coatings on cooking utensils such as pans to facilitate cleaning, as Snyder specifically teaches (lines 18-20 and 45 of column 2). Thus, all of the elements of claim 1 are taught within Snyder.

Claim 4 adds nothing to the scope of the claim, because the “mass of product”, and consequently the “pan” receiving the mass, is not considered a positively recited element of the claims.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Reed.

As noted in the related application in which Reed was first cited, Reed shows parallel elements readable on the recited “input” and “output” heat transfer elements. Note parallel plates 21 with fingers 22 and handle 43 shown in Figs. 4-7.

Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Snyder.

As noted above, Snyder shows that it is known to provide an easy to clean, nonstick coating on cooking implements such as griddles used for cooking food; the advantages of such a coating are self evident, and it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to add such a coating to the food-contacting appliance of Reed to make it easier to clean.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Linger.

Linger shows that it is known in the art to provide a temperature sensor in an electric griddle apparatus to provide control of the cooking temperature (note sensor 46 shown in Fig. 3). In view of this, it would have been obvious to one

of ordinary skill in the art at the time the instant invention was made to add such a sensor to the electrically heated griddle of Snyder for better control of cooking temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone number is (703) 308-1015. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Allen J. Flanigan
Primary Examiner
Art Unit 3753

AJF